

## Remarks

Claims 2 to 19 have been amended. Claims 17 to 19 have also been withdrawn as directed to a non-elected invention. The amendments are formalistic in nature and simply place the claims into a better form for examination under standard U.S. patent practice. Applicants therefore submit that no prohibited new matter has been introduced by these amendments.

### 1. Restriction Requirement

The Examiner asserts the presence of four (4) separate and distinct inventions (*i.e.*, Groups I to IV) and requires election of one of the identified inventions.

Applicants elect without traverse the invention of Group I, *i.e.*, claims 1-16, drawn to a pharmaceutical composition.

The Examiner further requires the election of a single species of water-soluble acid.

Applicants elect without traverse fumaric acid as the water-soluble acid.

The Examiner further requires the election of either of (A) a composition comprising a water-soluble cellulose ether, or (B) a composition comprising an ester of a water-soluble cellulose ether. In addition, if (A) is elected, a single species of the ether must be elected, and if (B) is elected, a single species of the ester must be elected.

Applicants elect without traverse (A), namely a composition comprising a water-soluble cellulose ether, and further elect hydroxypropyl methylcellulose (HPMC) as the species of the ether.

The Examiner also requires identification of the claims encompassing the elected invention.

Applicants identify claims 1, 2, 4, 6 and 8 to 16 as encompassing the elected invention of Group I with fumaric acid as the elected species of water-soluble acid and hydroxypropyl methylcellulose (HPMC) as the elected species of water-soluble cellulose ether.


It is Applicants' understanding that since the product claims of Group I were elected, the withdrawn process claims that depend from or otherwise require all of the limitations of the product claims would be considered for rejoinder with the elected product claims if the product claims were found to be allowable. Accordingly, in the event of rejoinder, the requirement for

restriction between the product claims and the rejoined process claims would be withdrawn.

**Except** for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **January 7, 2008**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Gregory T. Lowen  
Registration No. 46,882  
Direct: 202-739-5915